

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 20, 2010

Lyle W. Cayce
Clerk

No. 08-31071

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID CHAMBERS,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:01-CR-50074-1

Before SMITH, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent David Chambers has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Chambers has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Because Chambers is "subject to a statutory minimum sentence above the upper end of his guideline range," the district had no authority pursuant to 18 U.S.C. § 3582(c)(2) to reduce his sentence based on the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

amendments to the crack cocaine Guidelines. *United States v. Carter*, 595 F.3d 575, 581 (5th Cir. 2010). Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.